

**STATE OF MICHIGAN
IN THE 4th JUDICIAL CIRCUIT COURT COUNTY OF JACKSON
CRIMINAL DIVISION**

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

Case No. 20-003172-FH
Hon. Thomas Wilson

V

JOSEPH MORRISON
Defendant.

MICHIGAN ATTORNEY GENERAL'S OFFICE
SUNITA DODDAMANI (P67459)
ASSISTANT ATTORNEY GENERAL
3030 W. GRAND BLVD
DETROIT, MI 48202
(313) 456-0180

NICHOLAS P. SOMBERG (P80416)
SOMBERG LAW, PLLC
Attorney for Joseph Morrison
31700 Telegraph Rd. Suite 210
Bingham Farms, MI 48025
T: (248) 270-5979

**DEFENDANT'S RESPOSNE TO THE PEOPLE'S GOECKE MOTION TO
AMEND THE INFORMATION**

Now, here comes the defendant, Joseph Morrison, by and through his attorney, Nicholas P. Somberg of Somberg Law, PLLC, and in response the people's Goeke motion states the following:

1. In response to the People's motion Defense agrees with their paragraph 1.
2. In response to the People's motion Defense agrees with their paragraph 2.
3. In response to the People's motion Defense agrees with their paragraph 3.
4. In response to the People's motion Defense disagrees with their paragraph 4 as the district court's denial of the bind over charge of "making and communicating a threat of terrorism" charge was not an abuse of discretion or error as a matter of law.

5. Defendant Joseph Morrison made no threat of terrorism.
6. If Defendant Joseph Morrison did make a threat of terrorism, there was never a “True Threat”.
7. *“The defendant must have made the communication “for the purpose of issuing a threat, or with knowledge that the communication will be viewed as a threat,” rather than merely recklessly.”* *Elonis v United States*, 575 US 723, 740; 135 S Ct 2001; 192 L Ed 2d 1 (2015).
8. All statements made by Joseph Morrison which could be left to a jury as the trier of fact to be determined if they were threats of terrorism, were communicated only to his fellow “Wolverine” members and therefore impossible to be “for the purpose of issuing a true threat”.

Wherefore, we humbly ask this Court to deny the People’s motion to amend the information.

Respectfully Submitted,

/s/ Nicholas P. Somborg

NICHOLAS P. SOMBERG (P 80416)

SOMBERG LAW, PLLC

31700 Telegraph Rd.

Bingham Farms, MI 48025

248/270-5979//248/590-0166 fax

Nick@Somborglaw.com